

Appl. No. 10/053,302
Amendment dated November 16, 2005
Reply to Final Office Action dated August 3, 2005

REMARKS

Applicants respectfully request entry of the Amendment and reconsideration of the claims.

Applicants have amended claims 1, 5, 7, 8, 15-19, and 20. Applicants submit the amendments are supported throughout the specification and do not raise any issues of new matter.

Provisional Double Patenting Rejections

The Examiner provisionally rejects claims 19 and 20 for statutory double patenting under 35 U.S.C. §101 as claiming the same invention as claims 1 and 5 of copending Application No. 08/943,771. The Examiner provisionally rejects claims 1-3, 5-11, 14, and 20-23 for obvious-type double patenting as allegedly unpatentable over claims 1-5, 13-15, and 20-22 of copending Application No. 08/943,771. Applicants will abandon that application rendering this rejection moot.

Rejections under 35 U.S.C. §112, first paragraph

A. Rejection under Written Description

The Examiner rejects claims 1-3, 5-11, 14-20, and 21-23 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the specification does not provide support for the term "progeny thereof". In addition, the Examiner contends the specification does not support an antibody that competes for binding to IFNAR2 and blocks the activities of IFN α -8, 5,2 and not the activity of IFN- β . Applicants respectfully traverse at least for the reasons stated in the previous response.

Applicants disagree with the propriety of the rejection, but in order to expedite prosecution, Applicants have amended the claims to no longer recite the term "progeny thereof" thus rendering the rejection of the claims on this basis moot. In addition, Applicants also disagree with the propriety of the rejection concerning the support in the specification for an antibody that competes for binding to IFNAR2 and blocks the activities of IFN α -8, 5,2 and not

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the activity of IFN- β . However, in order to expedite prosecution, Applicants have amended Claim 7 to be dependent on Claim 1, rather than Claim 2. Applicants submit that this amendment renders the rejection of the claims 21-22 on this basis moot.

Applicants respectfully request withdrawal of the 35 U. S. C. rejection of the claims.

Request for an Interview

Applicants request an interview with the Examiner to resolve any remaining issues. The Examiner is requested to contact Applicants' representative upon receipt of these papers.

SUMMARY

In view of the foregoing, the Applicants believe that all claims as currently pending are in condition for allowance and such action is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: November 16, 2005

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